

**REMARKS**

The above Amendment and the following remarks are responsive to the Office Action dated August 8, 2005. The Applicant requests entry of this Amendment, favorable reconsideration of this case, and early issuance of a Notice of Allowance.

**Status of the Claims**

Upon entry of this Amendment, the Applicant has rewritten claims 7, 12, 14, 16 and 22-23 and canceled claims 1-6, 8-11, 13, 20-21 and 24-30. Thus, claims 7, 12, 14-19 and 22-23 are pending in the application. Claims 7, 12, 14 and 22 are independent claims.

**Allowable Claims**

In the Office Action dated August 8, 2005, the Examiner indicated that claims 7, 12 and 22-23 “would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in [the] Office Action and to include all of the limitations of the base claim and any intervening claims”. The Examiner also indicated that claims 14-19 “would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in [the] Office Action”.

This Amendment cancels the rejected claims and rewrites the claims that the Examiner indicates are allowable claims to overcome the rejections under 37 C.F.R. § 112, 2<sup>nd</sup> paragraph. Since this Amendment cancels claims and amends claims to comply with requirements as to form expressly set forth in the previous Office action, the Examiner may enter this Amendment after a final rejection.

**Response to the Rejections under 35 U.S.C. § 112**

***Rejection of claims 1-6, 8-11, 13, 20-21 and 24-30 under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph***

The Examiner rejected claims 1-6, 8-11, 13, 20-21 and 24-30 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicants regard as the invention. Since this Amendment cancels claims 1-6, 8-11, 13, 20-21 and 24-30, the Applicant asserts that these rejections are moot.

***Rejection of claim 7 under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph***

The Examiner rejected claim 7 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicants regard as the invention. Prior to the amendments herein, claim 7 depended from intervening dependent claim 6 and independent claim 1. The Examiner indicates that the phrase “an attachment flange connected to the first end” and “a gas regulator threadedly engaged with the second end” in claim 1 does not describe the muzzle stabilizer shown in the drawings.

In response, the Applicant has rewritten claim 7 to include all of the limitations of claims 6 and 1 and to correct the form of the claim to remove the language that the Examiner considers indefinite. Claim 7, as presently claimed, includes “an attachment flange connected to the second end of the tubular body” and “a gas regulator threadedly engaged with the first end of the tubular body” as shown in the drawings. The Applicant believes that claim 7, as presently claimed, is allowable because the claim is definite, particularly point out and distinctly claim the subject matter that the Applicant regards as the invention, and has proper antecedent basis. Thus, the Examiner should withdraw this rejection as to claim 7.

***Rejection of claim 12 under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph***

The Examiner rejected claim 12 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicants regard as the invention. Prior to the amendments herein, claim 12 depended from independent claim 8. The Examiner indicates that the phrase “an attachment flange connected to the first end” and “a gas regulator threadedly engaged with the second end” in claim 8 does not describe the muzzle stabilizer shown in the drawings.

In response, the Applicant has rewritten claim 12 to include all of the limitations of claim 8 and to correct the form of the claim to remove the language that the Examiner considers indefinite. Claim 12, as presently claimed, includes “an attachment flange connected to the second end of the tubular body” and “a gas regulator threadedly engaged with the first end of the tubular body” as shown in the drawings. The Applicant believes that claim 12, as presently claimed, is allowable because the claim is definite, particularly point out and distinctly claim the subject matter that the Applicant regards as the invention, and has proper antecedent basis. Thus, the Examiner should withdraw this rejection as to claim 12.

***Rejection of claims 14-19 under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph***

The Examiner rejected claims 14-19 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicants regard as the invention.

The Examiner indicates that the phrase “an attachment flange connected to the first end” and “a gas regulator threadedly engaged with the second end” in claim 14 does not describe the muzzle stabilizer shown in the drawings. In response, the Applicant has rewritten claim 14 to correct the form of the claim to remove the language that the Examiner considers indefinite.

Claim 14, as presently claimed, includes “an attachment flange connected to the second end of the tubular body” and “a gas regulator threadedly engaged with the first end of the tubular body” as shown in the drawings. The Applicant believes that claim 14, as presently claimed, is allowable because the claim is definite, particularly point out and distinctly claim the subject matter that the Applicant regards as the invention, and has proper antecedent basis. Thus, the Examiner should withdraw this rejection as to claim 14.

The Examiner also indicates that the phrase “at least one slot gas vent” in claim 14 is indefinite because the Applicant later claims at least one gas vent near the first end and at least one gas slot near the second end, thus, at least two slot gas vents. In response, the Applicant has rewritten claim 14 to more clearly specify that the tubular body comprises “gas vents of graduated sizes radially arranged about the tubular body and at least one slot gas vent”. The Applicant has further rewritten claim 14 to more clearly specify that “the gas vents of graduated sizes are nearest to a first end of the tubular body” and that “said at least one slot gas vent is nearest to a second end of the tubular body”. The Applicant believes that claim 14, as presently claimed, is allowable because it is definite, particularly points out and distinctly claims the subject matter that the Applicant regards as the invention, and has proper antecedent basis. Thus, the Examiner should withdraw this rejection as to claim 14.

The Examiner also indicates that it is not clear in claim 16 how the claimed “a gas vent disposed at an angle of thirty degrees” relates to the previously claimed “at least one of said at least one slot gas vent nearest a second end of the tubular body has an angle that is non-parallel”. In response, the Applicant has rewritten claim 16 to indicate that the “angle of said at least one slot gas vent is thirty degrees”. The Applicant believes that claim 16, as presently claimed, is allowable because it is definite, particularly points out and distinctly claims the subject matter

that the Applicant regards as the invention, and has proper antecedent basis. Thus, the Examiner should withdraw this rejection as to claim 16.

Claims 15 and 17-19 depend from independent claim 14. For the previously stated reasons, independent claim 14 is allowable. Since any claim that depends from an allowable independent claim is also allowable, the Applicant believes that the Examiner should also withdraw this rejection as to dependent claims 15 and 17-19.

***Rejection of claims 22-23 under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph***

The Examiner rejected claims 22-23 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicants regard as the invention. Prior to the amendments herein, claim 22 depended from independent claim 20.

The Examiner indicates that the phrase “an attachment flange connected to the first end” and “a gas regulator threadedly engaged with the second end” in claim 20 does not describe the muzzle stabilizer shown in the drawings. In response, the Applicant has rewritten claim 22 to include all of the limitations of claim 20 and to correct the form of the claim to remove the language that the Examiner considers indefinite. Claim 22, as presently claimed, includes “an attachment flange connected to the second end of the tubular body” and “a gas regulator threadedly engaged with the first end of the tubular body” as shown in the drawings. The Applicant believes that claim 22, as presently claimed, is allowable because the claim is definite, particularly point out and distinctly claim the subject matter that the Applicant regards as the invention, and has proper antecedent basis. Thus, the Examiner should withdraw this rejection as to claim 22.

The Examiner also indicates that it is not clear in claim 22 how the claimed “the gas vents” relates to the previously claimed “a first gas vent”. In response, the Applicant has rewritten claim 22 to more clearly recite the phrase “the gas vents” as “the plurality of openings of the first gas vent”. The Applicant believes that claim 22, as presently claimed, is allowable because it is definite, particularly points out and distinctly claims the subject matter that the Applicant regards as the invention, and has proper antecedent basis. Thus, the Examiner should withdraw this rejection as to claim 22.

The Examiner also indicates that it is not clear in claim 23 how the claimed “a gas vent disposed at thirty-degrees” relates to the previously claimed “a second gas vent”. In response, the Applicant has rewritten claim 23 to indicate that the “second gas vent is disposed at a thirty-degree angle from the longitudinal axis”. The Applicant believes that claim 23, as presently claimed, is allowable because it is definite, particularly points out and distinctly claims the subject matter that the Applicant regards as the invention, and has proper antecedent basis. Thus, the Examiner should withdraw this rejection as to claim 23.

### **Response to the Rejections under 35 U.S.C. § 102**

The Examiner rejected claims 8-11, 20-21 and 24-30 as being anticipated by Cave, United States Patent Number 4,879,942 (hereinafter “Cave”). The Examiner also rejected claims 20-21 and 24 as being anticipated by Garris et al., United States Patent Number 4,813,333 (hereinafter “Garris”). Since this Amendment cancels claims 8-11, 20-21 and 24-30, the Applicant asserts that these rejections are moot.

**Response to the Rejections under 35 U.S.C. § 103**

The Examiner rejected claims 1-4 and 13 as being unpatentable over Cave in view of Davies, United States Patent Number 6,308,609 (hereinafter “Davies”). The Examiner rejected claim 5 as being unpatentable over Caves in view of Davies and further in view of Rose, United States Patent Number 5,698,810 (hereinafter “Rose”), Tripp, United States Patent Number 5,020,416 (hereinafter “Tripp”) or Chahin, United States Patent Number 4,869,151 (hereinafter “Chahin”). The Examiner rejected claims 1-2 and 4-6 as being unpatentable over Garris in view of Davies. Since this Amendment cancels claims 1-6 and 13, the Applicant asserts that these rejections are moot.

**AUTHORIZATION**

The undersigned hereby authorizes the Commissioner to charge all required fees, fees under 37 C.F.R. §§ 1.16 and 1.17, or all required extension of time fees for this paper to Deposit Account Number 50-0573.

Respectfully submitted,  
PAUL J. HANSЛИCK  
THOMAS D. ADAMS, AND  
JAMES BARRY HOHLFELD

Kenneth P. Waszkiewicz

Kenneth P. Waszkiewicz  
Registration Number: 45,724  
DRINKER BIDDLE & REATH, LLP  
1500 K Street, N.W., Suite 1100  
Washington, D.C. 20005-1209  
(202) 842-8823 – phone  
(202) 842-8465 – fax

Dated: January 11, 2006